

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS HOLLIBAUGH,

Defendant.

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8:09CR337

ORDER

This matter is before the court on defendant's renewed motion to continue trial (Doc. 23). The motion is unopposed, and the court finds that the defendant has shown good cause for a continuance, due to defense counsel's scheduling conflicts.

IT IS ORDERED that the motion to continue trial (Doc. 23) is granted, as follows:

1. The jury trial now set for November 17, 2009 is continued to **January 5, 2010**.

2. In accordance with 18 U.S.C. § 3161(h)(7)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **November 17, 2009 and January 5, 2010**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act because the failure to grant a continuance would deny the defendant reasonable time to obtain counsel, would unreasonably deny the defendant or the Government continuity of counsel, or would deny counsel for the defendant or the attorney for the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

DATED November 3, 2009.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge